

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

BRIAN D. PIERCE,

Plaintiff,

-vs-

PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS,

Defendant.

Civil Action  
No. 03-173E

DEPOSITION OF: NANCY GIROUX

DATE: January 20, 2005  
Thursday, 1:05 p.m.

LOCATION: Law Offices of Neal Sanders  
1924 North Main Street Ext.  
Butler, PA 16001  
724-282-7771

TAKEN BY: Plaintiff

REPORTED BY: Toni Rennebeck, RPR  
Notary Public  
NMR Reference No. 30738

ORIGINAL

PLAINTIFF'S  
EXHIBIT

4

ORTERS

Gibsonia, PA

724-444-4433

1 Q. Okay. Now, other than Brian Pierce, can you  
2 think of any other male RN or LPN that was  
3 terminated under your watch at Cambridge?

4 A. I believe that Brian Pierce is the only one  
5 that's been terminated.

6 Q. Okay. At Cambridge Springs.

7 A. Yes. I'm sorry.

8 Q. I imagine you've heard the name Michael White,  
9 Dominic White's cousin, who was terminated at  
10 Albion?

11 A. Yes.

12 Q. It went to jury trial in Erie in the year 2002?

13 A. Yes.

14 Q. How did you come to know about Michael White or  
15 his case?

16 A. Through Brian Pierce.

17 Q. Is it possible that you also had a discussion  
18 from time to time, or at least one time, with  
19 Maxine Overton about the Michael White case?

20 A. I don't recall any conversations with Maxine  
21 Overton about that case in particular.

22 I believe that most of my information  
23 that I did have, which was minimal, came from  
24 Brian Pierce.

25 Q. Okay. Now, a name has come up in this case by

1 correct?

2 A. Correct.

3 Q. Is this the first time, March of '02, a month  
4 before this memo, that you actually were  
5 officially the health care administrator as  
6 opposed to the acting?

7 A. I believe so.

8 Q. Okay. And where is this going, Nancy? Is this  
9 going to Nancy at another -- Nancy Wirth at SCI  
10 Cambridge Springs, or is this going to Nancy  
11 Wirth at Camp Hill? In other words, where's  
12 Nancy's office? Sorry.

13 A. Nancy Wirth was our personnel director at SCI  
14 Cambridge Springs.

15 Q. Who was the human resource director in June of  
16 2000, two years earlier prior to this memo?

17 A. I'm not sure.

18 Q. Can you remember who, at least, the predecessor  
19 to Nancy Wirth was then if I don't take you back  
20 to June of 2000?

21 A. Roger Sear.

22 Q. And it's your understanding that there's a  
23 separate human resource office where Henry  
24 Powell worked at SCI Albion?

25 A. Yes.

1 Q. Okay. And if you look at this document, it  
2 makes reference to McGuire and Pietrzak as well  
3 as to Pierce; is that correct? Looking at Page  
4 1.

5 - - - -  
6 (The witness reviewed the document.)

7 - - - -  
8 A. It also makes reference to Cheryl Heffern and  
9 Tom Zuber and S. Cooper.

10 BY MR. SANDERS:

11 Q. Okay. But does it make mention of Yvonne  
12 McGuire and Ms. Pietrzak?

13 A. Yes.

14 Q. And you authored this document?

15 - - - -  
16 (The witness reviewed the document.)

17 - - - -  
18 A. Yes.

19 BY MR. SANDERS:

20 Q. You knew already by April 12 of 2002 about the  
21 Michael White case from Brian Pierce or whatever  
22 other source you heard it from, did you not?

23 MR. EDDY: I have to object to the  
24 form of the question. It was leading. Could  
25 you ask her a question?

1 BY MR. SANDERS:

2 Q. Do you understand the question?

3 By this date, April 12 of 2002, which  
4 would be approximately five months before  
5 Michael White's jury trial in Erie which took  
6 place on October of '02, had you already heard  
7 about the Michael White case from Brian Pierce?

8 A. Some details.

9 Q. What do you remember Mr. Pierce telling you?

10 A. He felt that Mr. White had been fired  
11 inappropriately.

12 Q. Did those conversations between the two of you  
13 take place at work?

14 A. Probably, yeah. That's the only place I knew  
15 him from.

16 Q. Do you recall the circumstances under which it  
17 came up? The subject of Michael White?

18 A. No.

19 Q. Do you remember if anybody else was present when  
20 you and Mr. Pierce discussed the Michael White  
21 situation?

22 A. I don't remember the circumstances when we  
23 discussed it.

24 - - - -

25 (Deposition Exhibit No. 6 marked for

1 identification.)

2 - - - -

3 (The witness reviewed the document.)

4 - - - -

5 BY MR. SANDERS:

6 Q. I've given you what we've marked as Exhibit 6  
7 and given Mr. Eddy a copy as well.

8 This appears to be a memo from Pierce  
9 to Deputy Good, October 25 of '01, with a copy  
10 to you; correct?

11 A. Correct.

12 Q. Do you want to take a moment to read this?

13 - - - -

14 (The witness reviewed the document.)

15 - - - -

16 BY MR. SANDERS:

17 Q. Do you have that document in front of you?

18 A. Yes, I do.

19 Q. Have you had an opportunity here to read and  
20 review it again?

21 A. Yes, I did.

22 Q. Do you recall this document, or the subject of  
23 it?

24 A. To be honest, barely.

25 Q. Does it mention another co-worker of his in this

1 interviewed him.

2 Q. Do you know whether or not he testified at the  
3 Michael White trial or not?

4 A. No, I do not.

5 Q. You know that Brian Pierce did.

6 A. I believe that Mr. Pierce had told me he was  
7 going to, yes.

8 Q. Did you ever see my client after May of '02 for  
9 him to say that to you?

10 A. Mr. Pierce?

11 Q. Yes. Let me say it again.

12 Brian was terminated in May of '02.  
13 He testified in Erie in Federal Court in October  
14 of '02.

15 I'm just going back to your answer  
16 just to my previous question is what I'm asking  
17 you.

18 You indicated that Brian indicated to  
19 you that he was going to be testifying at the  
20 Michael White case, or trial, which, in fact, he  
21 did.

22 My question to you is would you not  
23 have heard that while he was still employed for  
24 you at SCI Cambridge Springs? Or did you run  
25 into Brian after he was terminated to where he

1 refers to, and ask you if you have in front of  
2 you Exhibit 11 dated approximately three weeks  
3 after the human resource office at SCI Cambridge  
4 Springs received Exhibit 10, the discrimination  
5 complaint that Mr. Pierce had filed with the  
6 Equal Employment Opportunity Commission.

7 Do you have that Exhibit 11 in front  
8 of you?

9 - - - -

10 (The witness reviewed the document.)

11 - - - -

12 A. Yes.

13 BY MR. SANDERS:

14 Q. And this is a three-page document I gave you; is  
15 that correct?

16 - - - -

17 (The witness reviewed the document.)

18 - - - -

19 A. Yes.

20 BY MR. SANDERS:

21 Q. And this is a document signed by Brooks?  
22 Marilyn Brooks?

23 A. Yes.

24 Q. Do you recognize her signature?

25 A. Yes.

1 Q. Did Marilyn Brooks ever speak to you between the  
2 time that 10 was, if you recall, between the  
3 time that 10 was received by your HR office at  
4 Cambridge Springs, the complaint, and the time  
5 that she issued this letter of no cause to  
6 Mr. Pierce on November 15 of 2001?

7 Did she ever talk to you about  
8 Exhibit 10 before she issued Exhibit 11?

9 A. Honestly the only thing that I recall is the  
10 fact that I was aware that he had filed a  
11 discrimination suit. I don't believe that  
12 anyone has asked me what my opinion was, what my  
13 reaction was to it when he did it.

14 There was an investigation regarding  
15 that discrimination suit, and I was informed  
16 after the fact that there had been found no  
17 basis for it.

18 Q. Let me help you with some language so that we  
19 get it straight; okay?

20 A. All right.

21 Q. Document No. 10 is not a suit. A suit is what  
22 brought Mr. Eddy into the case. A suit is the  
23 word that Mr. Eddy and I use to describe where  
24 we are now up in Erie Federal Court; okay?

25 A. Thank you.

1 Q. No, no. Are you then telling us under oath  
2 today that you were made aware before Brian was  
3 terminated in '02 May about Exhibit 10, the  
4 charge of discrimination, that he had filed it?

5 A. Yes, I believe I was.

6 Q. Okay. That's what I'm asking, because you said  
7 suit and that means something different to  
8 Mr. Eddy and myself.

9 A. Yeah.

10 Q. All right. Now, as you sit here today, do you  
11 recall who told you about Exhibit 10, the charge  
12 of discrimination, being filed by Mr. Pierce in  
13 October of '01?

14 A. I don't recall, but I believe it probably would  
15 have been Dominic White. Either that or the  
16 personnel director.

17 Q. Who would that have been? Nancy Wirth?

18 A. Yeah, Nancy Wirth. At that time they don't give  
19 you any details but they inform you that it has  
20 been filled.

21 Q. Okay. And just to follow up on that, are you  
22 also telling us under oath today that as you sit  
23 here today, that's all that you were asked or  
24 told about Exhibit 10? That you were not, in  
25 fact, interviewed by Dominic White or by Nancy

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL WHITE,

Plaintiff,

vs.

PENNSYLVANIA DEPARTMENT OF  
CORRECTIONS, AN AGENCY OF THE  
COMMONWEALTH OF PENNSYLVANIA,

Defendant.

JURY TRIAL DEMANDED

Civil Action No. 00-377 Erie

Hon. Sean J. McLaughlin

PLAINTIFF'S RULE 26  
INITIAL DISCLOSURES

FILED ON BEHALF OF:  
Plaintiff, Michael White

COUNSEL OF RECORD FOR THIS  
PARTY:  
Neal A. Sanders, Esquire  
LAW OFFICES OF NEAL A. SANDERS  
1924 North Main Street Extension  
Butler, Pennsylvania 16001

(724) 282-7771  
PA ID No. 54618



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL WHITE,	:	JURY TRIAL DEMANDED
	:	
Plaintiff,	:	Civil Action No. 00-377 Erie
	:	
vs.	:	Hon. Sean J. McLaughlin
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, AN AGENCY OF THE	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
Defendant.	:	

PLAINTIFF'S RULES 26 INITIAL DISCLOSURES

AND NOW, comes Plaintiff, Michael White, by and through his counsel, Neal A. Sanders, Esquire, of the Law Offices of Neal A. Sanders and pursuant to Federal Rule of Civil Procedure 26(a)(1), makes the following initial disclosures to the Defendant, Pennsylvania Department of Corrections, an Agency of the Commonwealth of Pennsylvania. Plaintiff reserves the right to supplement or amend its responses herein based on additional information obtained through formal discovery or other means.

I. Rule 26(a)(1)(A) Disclosure.

Based on the information presently available, Michael White identifies the following individuals as persons likely to have discoverable information that plaintiff may use to support his claims or defenses.

1. Michael White  
23285 Wilkie Road  
Cambridge Springs, PA 16403

2. Nancy Felner, R.N.  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001
3. Brenda Hale, R.N.  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001
4. Brian Pierce, L.P.N.  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001
5. Donald Lucore, L.P.N.  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001
6. Jim McDuff, R.N.  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001
7. Cassey Oberlarder  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001
8. Judy Weyers  
c/o Pennsylvania Department of Corrections,  
an Agency of the Commonwealth of Pennsylvania  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001

9. Edward Brennan, Superintendent  
State Correctional Institution at Albion  
10745 Route 18  
Albion, PA 16475-0001
10. Henry Powell, Personnel Officer  
State Correctional Institution at Albion  
10745 Route 18  
Albion, PA 16475-0001
11. Maxine Overton, RN Supervisor  
State Correctional Institution at Albion  
10745 Route 18  
Albion, PA 16475-0001
12. Doug Randall, Former RN  
State Correctional Institution at Albion  
10745 Route 18  
Albion, PA 16475-0001

Plaintiff reserves the right to add to this list the names of different referred to by the Defendant.

II. Rule 26(a)(1)(B) Disclosure.

Plaintiff produces the attached documents which it may use to support its claims or defenses (See attached - Will be supplemented).

III. Rule 26(a)(1)(C) Disclosure.

Plaintiff is seeking damages for lost wages, benefits and compensatory damages for emotional distress / trauma associated with unlawful termination.

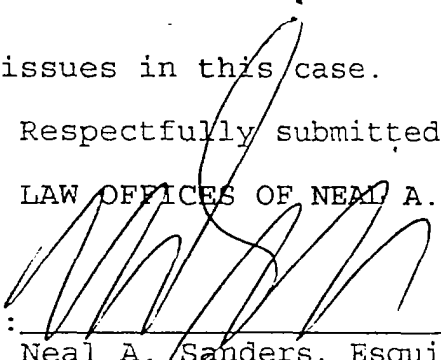
IV. Rule 26(a)(1)(D) Disclosure.

There are no known insurance issues in this case.

Respectfully submitted,

LAW OFFICES OF NEAL A. SANDERS

Dated: March 15, 2001

By:   
Neal A. Sanders, Esquire  
Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of March, 2001, the original of the foregoing Plaintiff's Rule 26 Initial Disclosures, was mailed by the United States First Class Mail, postage prepaid, to the following:

Thomas F. Halloran  
Senior Deputy Attorney general  
Office of Attorney General  
Commonwealth of Pennsylvania  
564 Forbes Avenue  
Manor Complex  
Pittsburgh, Pennsylvania 15219

Dated: March 15, 2001

By: 

Neal A. Sanders, Esquire  
Counsel for Plaintiff,  
Michael White

LAW OFFICES OF NEAL A. SANDERS  
1924 North Main Street Extension  
Butler, Pennsylvania 16001

(724) 282-7771  
PA ID No. 54618

## COMMONWEALTH EMPLOYEE WITNESS STATEMENT

The following statement is being given by me freely, and without coercion for official Commonwealth business, and will be considered for all purposes, including actions under the Statutes of the Commonwealth, just as though it had been sworn of affirmed before a court of law or formal arbitration panel:

THE FOLLOWING IS A LIST OF NAMES OF THOSE I HAVE PERSONALLY WITNESSED  
BORROWING MEDICATION FROM OTHER INMATES:

C. HEFFERN L.N.  
T. Zuber R.N.  
M. Kelly R.N.  
S. PIETRAK R.N.  
G. JAMIESON L.N.  
K. GARONE R.N.  
A. CHAPMAN R.N.  
K. KING R.N.  
E. Elford R.N.  
Y. McGUIRE L.N.

THIS STATEMENT HAS BEEN WRITTEN UNDER THE DIRECT SUPERVISION OF DON GOOD.

4-23-02

Date

*[Signature]*

Signature

Date

Typist's Signature

**Note:** This form is to be completed and signed by an employee who is a witness to an incident involving employees of the Commonwealth. If the text is typed by someone other than the employee giving the statement, it must be read and signed by the employee. In the event the statement is typed, the party typing the statement must sign and date the document.



## COMMONWEALTH EMPLOYEE WITNESS STATEMENT

The following statement is being given by me freely, and without coercion for official Commonwealth business, and will be considered for all purposes, including actions under the Statutes of the Commonwealth, just as though it had been sworn of affirmed before a court of law or formal arbitration panel.

THE FOLLOWING IS A LIST OF NURSES THAT I HAVE PERSONALLY WITNESSED "PREPARING" MEDICATIONS :

C. HEFFERN RN

T. Zuber RN

K. GARDNER RN/

ALSO NOTE THAT T. Zuber RN II AND M. KELLY RN II HAVE BRAGGED ON SEVERAL OCCASIONS IN FRONT OF MEDICAL AND SECURITY STAFF ABOUT THE TIME THEY PREPARED THE ENTIRE 4TH MEDICATION LINE ON A SUPER BOWL SUNDAY, TOLD THE SHIFT COMMANDER ABOUT IT AND WHAT THEY WERE PLANNING, AND COMPLETED THE ENTIRE 4TH MEDICATION LINE DURING HALF-TIME SO EVERY BODY COULD GO BACK TO WATCHING THE SUPER BOWL, AND NEVER WERE DISCIPLINED FOR IT.

THIS STATEMENT HAS BEEN WRITTEN UNDER THE DIRECT ORDER OF DEP. GEN.

4-23-02

Date

*Ble*

Signature

Date

Typist's Signature

**Note:** This form is to be completed and signed by an employee who is a witness to an incident involving employees of the Commonwealth. If the text is typed by someone other than the employee giving the statement, it must be read and signed by the employee. In the event the statement is typed, the party typing the statement must sign and date the document.



## COMMONWEALTH EMPLOYEE WITNESS STATEMENT

The following statement is being given by me freely, and without coercion for official Commonwealth business, and will be considered for all purposes, including actions under the Statutes of the Commonwealth, just as though it had been sworn of affirmed before a court of law or formal arbitration panel.

THE FOLLOWING IS A LIST OF NAMES OF THOSE I HAVE PERSONALLY WITNESSED  
GIVING INMATES MEDICATION OUT OF STOCK WITHOUT SIGNING IT OUT:

C. HERRAN LPN  
T. ZUBER RN  
M. KELLY RN  
S. PIETZAK RN  
K. GARDNER RN  
E. ELDRED RN

THIS STATEMENT HAS BEEN WRITTEN UNDER THE DIRECT ORDER OF DER GUG.

4.23-02

Date

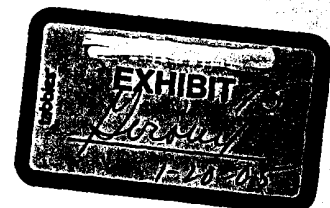
*[Signature]*

Signature

Date

Typist's Signature

Note: This form is to be completed and signed by an employee who is a witness to an incident involving employees of the Commonwealth. If the text is typed by someone other than the employee giving the statement, it must be read and signed by the employee. In the event the statement is typed, the party typing the statement must sign and date the document.



## COMMONWEALTH EMPLOYEE WITNESS STATEMENT

The following statement is being given by me freely, and without coercion for official Commonwealth business, and will be considered for all purposes, including actions under the Statutes of the Commonwealth, just as though it had been sworn of affirmed before a court of law or formal arbitration panel.

ON 5-4-02 and 5-5-02 C. HEFFERNAN RN and I had conversation regarding the practices of the nurses during medication times. C. HEFFERNAN stated to me that she has witnessed other nurses borrowing meds from other inmates, not crushing or opening all meds per policy, and not signing out stock meds from the stock book. SHE ALSO MADE A comment to me about how she had to send back medications. The pharmacy that were not supposed to be ordered, but were by other nurses - which has cost the Vendor (PHS) money. C. HEFFERNAN SAID TO ME THAT SHE HAS SEEN THESE PRACTICES OCCURRING IN THE PAST WEEK SINCE SHE HAS BEEN BACK FROM VACATION.

5-7-02

Date

B. Green

Signature

Date

Typist's Signature

Note: This form is to be completed and signed by an employee who is a witness to an incident involving employees of the Commonwealth. If the text is typed by someone other than the employee giving the statement, it must be read and signed by the employee. In the event the statement is typed, the party typing the statement must sign and date the document.

Page 1 of 1

